



**BOONE COUNTY CIRCUIT CLERK**

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**GARNISHMENT COLLECTION PROCEDURES  
from the  
Missouri Small Claims Court Handbook**

**If you have questions you may contact the  
Garnishment clerk at 573-886-4028**

**For more information about garnishments  
please refer to Missouri  
Revised Statutes, Chapter 525  
and  
Supreme Court Rule 90**

## **GARNISHMENT COLLECTION PROCEDURE**

After the judge has decided in your favor and you have waited ten days from the date of judgment (the losing party has ten days to file an appeal) you may start trying to collect your money.

Whether the losing party agrees to pay you in a lump sum or in installments over a period of time, an agreement between you and the losing party is the best and most efficient way to collect your money. You should attempt to arrange such an agreement, because collection procedures through the court will cost additional money and that process may take longer. However, if you cannot agree on a method of payment or the losing party stops paying as originally agreed, you may start collection procedures through the court on forms provided by the clerk.

### **GARNISHMENT**

Garnishment is the most frequently used legal procedure to collect money in a case. Under this procedure, an employer or other person holding money belonging to the losing party pays to the court the money owed to the winning party. (The employer or other party is called the garnishee). The court then pays the winning party.

To collect money this way, you must request the court to issue a garnishment and you must pay a fee (payable by cash, cashier's check or credit/debit card). Be aware that the losing party, the judgment debtor, has the right to certain legal exemptions from garnishment that may limit your ability to collect the debtor's money.

In order to garnish, you must first locate some cash assets of the losing party in the State of Missouri. These are most easily found in the form of paychecks (wages) or bank accounts.

### **GARNISHING WAGES**

Garnishing wages is the surest form of collection. To do this you must find out the name and address of the losing party's employer. The following may be helpful in discovering this information: Talk to businesses or other persons who might know about the losing party but be careful not to harass the losing party; examine court records for more details of the losing party's background. Under this procedure, the employer collects a portion of the losing party's wages and sends the money to the court. The amount an employer can collect is set by law. If the losing party makes less than a certain amount of money, you may not be able to garnish his or her wages at all.

## **GARNISHING A BANK ACCOUNT**

As with garnishing wages, to do this you must find out the name and address of the losing party's bank. The following may be helpful in discovering this information: A check or other record the losing party gave you might indicate where the party banks; a cancelled check you wrote to the losing party may reveal the name of the bank on the back of the check. Be aware that if the bank account has another name on it, such as the losing party's spouse, you may not garnish it unless the judgment is against the spouse as well. Under this procedure, the bank collects from the losing party's account an amount of money up to the total of the judgment, court costs and garnishment filing fee. The bank then sends the money to the court.

## **EXECUTING YOUR GARNISHMENT ACTION (WAGES OR BANK ACCOUNT)**

When you have located assets of the losing party (the judgment debtor), either wages from an employer or a bank account, the following instructions will assist you in collecting the money owed to you.

Obtain the garnishment application and order from the court clerk. Provide the name and address of the garnishee, i.e., the bank or employer. Second, specify how long the execution is to "run," i.e., how long the bank or employer will withhold money owed the judgment debtor. The execution may run for not less than 30 days up to a continuous garnishment which will stay in place until judgment is satisfied or debtor leaves employment.

Please note if you chose to have a continuous garnishment, the garnishor (the person requesting the garnishment) must file with the issuing court a statement of judgment balance, (the clerk will provide this form) which shall indicate all payments received by the garnishor within the preceding six months and the remaining unsatisfied portions of the judgment, which may include all unsatisfied post-judgment interest and costs. The statement shall be filed not later than 15 days after the close of each six month period. The statement shall be filed with the issuing court beginning six months after issuance of the garnishment and shall continue every six months thereafter until the garnishment is satisfied or no longer effective. It is also **your** responsibility to mail copies of the statement by ordinary mail to the garnishee and judgment debtor. In the event a garnishor fails to file a statement of judgment balance, the court shall terminate the garnishment.

## **RETURN DATE**

The last date the Garnishee may withhold money from the judgment debtor is called the "return date". For instance, if you requested that your execution be returnable in 60 days, then the 60<sup>th</sup> day from the date the garnishment is issued is the return date.

## **INTERROGATORIES**

Before the garnishment will be issued, you must complete the portion of the “interrogatories” (questions) which are to be served on the garnishee. The court clerk will provide you a set of interrogatories. This set of questions asks the garnishee exactly how much money has been withheld from the judgment debtor. The garnishee must answer these interrogatories and return one copy to you and one copy to the court within ten days of the return date. If you do not receive the completed interrogatories from the garnishee by ten days after the return date, it is suggested you call the garnishee and see if there is a problem. If you chose a continuous garnishment, these shall be answered within 20 days from the date on which the garnishee is served notice of the garnishment. If the garnishee refuses to comply, you may have to retain an attorney.

## **OTHER COLLECTION METHODS**

There are other court methods you can use to collect the money that is owed to you. These methods are much more complicated than garnishment proceedings and will usually require the assistance of an attorney.